

Better Homes and Centers



Michigan Department of
Social Services

Complaint Handling
Special Edition Winter 1987

WHY WE DO WHAT WE DO

*By Ted deWolf, Director
Division of Child Day Care Licensing*

Hearing that a complaint has been lodged against your business is never pleasant. But it may help to remember that a complaint is an allegation, not a proven fact. The Department conducts an investigation to gather facts and make a determination.

Our authority comes from two statutes: the Child Care Organization Licensing Act, and the Child Protection Law. The first requires us to investigate allegations of noncompliance with licensing rules or the law itself. The second requires us to investigate allegations of child abuse or neglect that occur in child care facilities. Obviously, it is possible for a single incident to violate both laws.

Complaints come to us in many ways and fall into one of three categories:

- A *formal* complaint must be in writing, with the complainant willing to be identified and testify at a hearing if necessary.
- An *informal* complaint can come through channels such as newspaper reports or other media.
- An *anonymous* complaint is any complaint that is not in writing and in which the complainant is unwilling to testify.

Regardless of the source or the motives of the complainant, the Department is required by law to investigate each allegation. A disgruntled former employee may have a personal axe to grind and yet be raising valid concerns. An anonymous complainant may fear personal repercussions but want to act on behalf of children in care. Furthermore, the Child Protection Law requires that we protect the anonymity of complainants in allegations of abuse or neglect.

Usually when we receive a complaint, our first step is to schedule a site visit to discuss it with you and begin our investigation. In some cases we may make an unannounced or unscheduled visit to give us an accurate picture of your usual operation. For example, if we call to say we are coming on Thursday to investigate allegations that you are exceeding your licensed capacity, the chances are good that you will be in compliance on Thursday.

Sometimes we must work with other agencies in conducting the investigation. The Child Protection Law mandates that we make referrals to the police in all cases of suspected abuse or neglect. With complaints regarding environmental sanitation, the health department may be involved. Fire safety issues may require a fire inspection.

Providers sometimes express concern about the individuals or the number of persons we interview. Conducting an investigation requires that we talk to people who have knowledge about the facility. These may include staff, parents, neighbors, the day care children, or others. To do this, we may have more than one person conducting the investigation.

Our investigations must be as thorough and objective as possible and this requires strict confidentiality. We do not want information to be leaked and we do not want people as yet to be interviewed to be influenced in any way by the information we have already obtained. Neither do we want people jumping to conclusions before all of the facts are gathered.

When the investigation is completed, the licensing consultant will usually inform you verbally of the findings. It sometimes takes a while for the licensing consultant to prepare the formal report. You are the first to receive that written report. The report is then made a part of your licensing file and, as such, is available as public information. If the findings and, thus, the conclusions are in your favor, you should welcome that fact and even want to make that available to some people, perhaps those who use your services. If they are not fully in your favor, but actions have been taken or are being taken to correct problems, there is still merit to the public having access to that information. It shows that you are concerned enough to correct the problems.

Sometimes, unfortunately, the findings are not in the provider's favor, and real problems are revealed. When that occurs, the public still has a right to know.

Should you disagree with any part of the Department's findings, you may wish to respond in writing to the report. Your response will be attached to the complaint report so that anyone requesting a copy of the report will also receive a copy of your response.

When an allegation concerns child abuse or neglect, we are required by law to protect the identity of the reporting persons and to keep certain other informa-

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PROTECTING CHILDREN IS BEST FOR YOUR BUSINESS

By Carole Grates
Center Licensing Consultant, Saginaw

Complaints can happen to the best of providers. Living through a complaint investigation is never pleasant but there are some ways to reduce the likelihood of a complaint happening to you.

1. Be sure you are operating in compliance with licensing regulations at all times.
2. Communicate with parents —
 - (a) Talk with each parent daily. Don't rely on staff or family members to do this for you.
 - (b) Involve parents in the planning and operation of your program.
 - (c) Provide clearly written program policies to all parents.
 - (d) Conduct admission interviews that encourage questions and address parents' concerns.
 - (e) Use newsletters and bulletin boards to keep parents informed, but do not let this replace your daily communications with parents.
3. Interview carefully and check references for anyone, volunteer or paid staff, who will have contact with children.
4. Be aware of other people entering your home or center (repairmen, visitors, teenage friends, relatives, neighbors).
5. Never leave children in the care of a minor.
6. Keep a daily log of unusual incidents, accidents, injuries, and bruises that you notice when a child arrives.
7. Provide parents with written as well as verbal reports of all accidents.
8. Develop and implement a written policy regarding the reporting of child abuse. Provide copies to all parents and staff. Describe your legal and moral responsibility to report suspected child abuse, the method for reporting, and the possibility that you may have to testify for the child.
9. Supervise children at all times in all places (bathroom, naproom, outside).
10. Know yourself and train your staff to recognize indications of physical and sexual abuse and neglect of children.
11. Have an open door policy that allows parents to visit without giving notice.

WHY WE DO WHAT WE DO . . .

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tion confidential. Most of that other information relates to the identities of the persons referred to in the report by codes. That information is restricted and is not available to the general public.

Although some complaints lead to serious repercussions for providers, our goal is to get the facts, clear the air, and see that corrections are made. It is only in the most extreme situations where providers are unable or unwilling to correct areas of noncompliance that we must take adverse action.

Although it is impossible to remove all the anxiety you might experience during a complaint investigation, perhaps this information will help you understand why we do what we do.

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ANTICIPATE CONCERNS — PREVENT COMPLAINTS COMMUNICATE WITH PARENTS

*By Ann Hill, Director
First Assembly Child Care Center, Saginaw*

A young child's strongest ties to adults are his family and teachers. The most important aspects of learning take place within a supportive and cooperative parent-provider-child relationship. Forming a partnership with parents involves a respect for and support by parents for the policy, goals and operating procedures of the facility and an appreciation on the part of the provider for the uniqueness and special needs of each family.

Responsibility for building and nurturing this relationship falls on the child care providers and open channels of communication are the foundation.

The following is a list of guidelines for communicating with parents:

- provide a nonthreatening environment where the parents can feel safe.
- provide opportunities for parents to honestly express feelings, ideas and concerns, no matter how trivial.
- value parents' comments and suggestions. They know their child best.
- be a good listener.
- help parents enjoy their child's unique qualities by sharing the highlights of his day.
- maintain a supportive, optimistic attitude during the times when parents are worried about their child's development.
- take every opportunity to learn from parents and to exchange information.

As providers, we must communicate to the parent that we are an extension of their home, not a replacement. A cooperative working relationship between the parent and the home or center is satisfying and rewarding to both and provides an optimal learning environment for the child.

Where do you begin? The initial visit sets the tone for communication. Both the parent and child can observe the activities while the provider has an opportunity to discuss philosophy, program, policies and parent responsibilities.

An informational packet or brochure containing a clear description of the policies regarding discipline, fees, admission and withdrawal, food and nutrition, and emergency procedures is a helpful tool. Clear communication at the beginning helps to avoid misunderstandings or bad feelings in the future.

Most communication between parents and providers will take place when the parent brings and picks up his child. These day-to-day encounters are the most consistent times for ongoing and informal communication. A survey given to the parents of our infants and toddlers indicated that they were more relaxed in the afternoon when they picked up their child. This proved to be the best time to discuss a concern, ask a question, share highlights of the day or suggest a proposed change. Mornings were a hurried time so staff were available to assist parents who may be running behind schedule.

We have used the following activities to involve our parents in the program and to develop communication between the parent and the provider:

- parent resource questionnaire helps us to find out what talents, abilities and special interests the parents have to share with the children and center. These might include the parent's occupation, experience with cooking or musical ability. Volunteering time to type, to bake special treats or to assist on a fundraising project are also important.
- monthly newsletter informs parents on what has been happening in each of the classrooms by listing field trips and special events. It can include parent reminders, new policies or other information.
- fall parent program introduces parents to the program for the coming year. We begin with a potluck dinner followed by a speaker, slide presentation or a discussion on a current topic. The parents may also visit their child's classroom. The teacher is available to answer questions and to present her classroom goals and objectives, her daily schedule and classroom policies.
- annual Christmas program — each classroom does a presentation for the parents.
- parent-teacher conference — the teacher meets with the parents to discuss the progress of his child.
- spring family picnic.
- fundraising projects.
- fieldtrips — parents volunteer to drive or help to supervise the trip.
- a resource center for the parent — information, books and material on parenting are made available for loan.
- parent bulletin board — current articles, information, materials, and community resources are posted.

T. Berry Brazelton, in *Toddlers and Parents*, tells us that in every case where the effects of day care have been studied, the positive gains on the part of the child are directly related to the kind and amount of involvement on the part of the parents.

A partnership between providers and parents creates an environment which encourages the positive development of the child.

CONSULTANTS' VIEWS OF COMPLAINTS

*By Patricia Hearron, Licensing Consultant
Saginaw County*

We asked consultants about their feelings regarding complaints and got some answers that may surprise day care providers. In recalling their original reaction to a recent complaint, the majority resorted to an expletive or some more printable expression of frustration or stress. They used words like "dismay," "anxiety," and "not again." Some expressed an initial sense of disappointment or disbelief that the provider in question would violate rules, which led them to question the motives of the complainant or their own thoroughness when they had recently visited the provider. These questions led to a sense that they had only part of the story. Something was missing and an investigation was needed to bring out more facts.

In completing the investigation, most consultants felt their own experience, training, and skills were the factors that most helped them to do a good job, while the single greatest hindrance named was time pressure resulting from workload demands. Consultants repeatedly credited their supervisors and co-workers with providing needed support and assistance. In several instances they cited the cooperation of, or rapport with, the provider.

When asked whether their experiences with a particular complaint would change the way they handled future investigations, many consultants responded, "no," citing a need for consistency or the positive outcomes of the investigation as their reasons. Those who felt they would change mentioned specific areas such as getting more information from complainant and provider early in the investigation, perhaps by better planning and preparation of questions. They felt the experience had improved their skills in interviewing children, staff members, or parents and that they had gained more confidence and ability to reserve judgment.

Most consultants felt that the investigation of a particular complaint had influenced their communication with the provider; however, they were about evenly divided with regard to whether that influence had been positive or negative. On the one hand, some investigations had led to improved communication, an opportunity to provide technical assistance, and the provider's view of the consultant as professional and reasonable. In contrast, other investigations were characterized by blocked communication resulting from the provider's strong feelings about the complaint: anxious, defensive, panicky, upset, insulted, and persecuted were the ways consultants perceived these providers' feelings. Some felt that the provider's anger at an anonymous complaint was expressed as hostility toward the consultant.

Those consultants who felt communications had not been affected gave reasons such as the provider's ability



to separate anger at the complainant from feelings about the consultant. Others felt they already had sufficient rapport with providers or that the provider's desire to "clear up" the matter quickly contributed to open communication.

As parting advice for others about to launch complaint investigations, consultants offered both practical and philosophical considerations. They suggested that complaints can be an opportunity for growth and emphasized that the consultants need to keep an open mind to act as advocates for both children and providers. They warned against taking complaints personally or as reflection on one's work. On the practical or technical level, they recommended team visits, firm but empathetic and open communication, looking beyond the present problem, and careful organization, planning, reviewing, and recording of findings. They emphasized the importance of getting at the task immediately: conducting the necessary — though uncomfortable — interviews and writing reports promptly. The eventual reward for this effort, as one consultant put it, is that "you feel good when it's all over."

PROVIDERS' VIEWS OF COMPLAINTS

*By Judy Levine, Licensing Supervisor
Division of Child Day Care Licensing*

Having learned how the licensing consultants felt about receiving a complaint, we wanted your reactions. We conducted a small telephone survey of center, family home, and group home providers who had complaints filed against their program. Some of the complaints had been substantiated through investigation; others had not.

Reactions at hearing the department had received a complaint ranged from, "I expected it" to "my world turned upside down." Many providers felt upset and angry because the complaint was unexpected. One thought she had a good relationship with the complainant. Another felt slandered by a lying anonymous complainant who had made erroneous assumptions without knowing the whole story. She was especially upset because she could not confront her accuser. A few providers expressed fear that the license would be taken away and their ability to earn a living would be lost. One stated that after the initial reaction of bristling, he calmed down and thought through the allegations; another felt empathy for others accused.

Most providers surveyed felt the findings were justified. They used words like, "discreet, thorough, and fair" to describe how the investigations were conducted. They felt the consultants tried to get both sides of the story and were not only concerned with what was best for the children in care but also supported and helped the providers. Knowing this did not stop providers from feeling nervous and threatened. They also acknowledged the parents' right to expect protection for their children. Finally, one provider remarked that the division does not have enough staff out in the field to follow-up on complaints.

In general, providers felt the investigation served to protect children. Of course, in cases where noncompliance was found, correcting it increased protection for children. Even in cases where there was no noncompliance, a few providers indicated that it made those responsible for the program, from board members to teaching staff, more aware of areas that needed greater emphasis. Sometimes a clearly-written policy could solve a problem.

In dealing with complaints, providers had to look at the program from both the staff and children's point of view. One provider raised the issue that children,

particularly older ones, have developed a sense of loyalty to the provider. When they are interviewed by the licensing consultant during an investigation, they are caught in the middle.

For the most part, providers stated they had made some changes in the program operation whether or not anything had been cited as wrong. The changes included:

- having all guests sign in
- documenting behavioral observations of children
- reinforcing a policy by incorporating it in the manual
- having helpers who are good with children
- meeting family and group requirements.

Only one person surveyed stated she was no longer doing day care. A few providers continued doing as they always had since there was nothing wrong in the first place.

Providers felt that communications with parents either remained the same or increased. In general, parents were very supportive. One mentioned increased parent meetings.

We concluded the survey by asking respondents if they could tell another provider one thing about the experience, what would they say? Here's what they said:

- Protect yourself.
- Look at all the bases before implementing a policy: legal aspects, staff enforcement, parent involvement.
- Cooperate in the investigation. Realize it's for your protection as well as for the child's.
- If a problem arises, nip it in the bud. Talk to the other person before it gets out of hand.
- Always be available to parents.
- Be careful whom you take, whom you help, and how you say things to parents.

One provider's parting remark was to get out of the business — that in a "suit-happy" world, it wasn't worth it. Still others felt strongly that by opening this type of business, you are automatically open to complaints but as long as the provider is licensed and follows the rules, a complainant couldn't do anything. Finally, one provider remarked, "If I hadn't been licensed, I wouldn't have anyone to help me."

COMPLAINT STATISTICS

There are over 12,300 regulated child care facilities in Michigan. In the three years beginning October 1982, the Division of Child Day Care Licensing received 2,692 complaints. About half the complaints concerned the serious issues of abuse, neglect, inadequate supervision, inappropriate discipline and unsuitable character of those in contact with children.

The numbers of complaints in general are increasing as are the numbers of complaints involving these serious areas. Furthermore, all types of facilities have seen these increases: centers, family day care homes, group day care homes.

The Department is mandated by law to investigate all complaints. Those which are substantiated may result in adverse action against the facility. However, even in cases where the complaint is not substantiated, the process of the investigation might reveal potential problem areas. Correction of these can contribute to a safer environment for children.

	Abuse	Neglect	Inadequate Supervision	Inappropriate Discipline	Unsuitable Character	Other Violations	All Complaint Totals
10/82-9/83	98	17	133	23	50	400	721
Percent	14%	2%	18%	3%	7%	55%	100%
10/83-9/84	138	45	183	31	46	436	879
Percent	16%	5%	21%	4%	5%	50%	100%
10/84-9/85	200	20	248	52	50	532	1,102
Percent	18%	2%	23%	5%	5%	48%	100%

THE CHILD PROTECTION LAW: YOUR OBLIGATION AS A PROVIDER

*By Carole Grates, Center Licensing Consultant
Saginaw County*

In recent months we have become increasingly aware that child abuse can occur in out of home care situations as well as in the child's own home.

Child care providers need to acquaint themselves with the amended Child Protection Law, Act 238 of the Public Acts of 1975, effective 4/1/85. The amended law requires that **all regulated child care providers** who have reasonable cause to **suspect** child abuse or neglect must immediately make an oral report to the Department of Social Services whether the abuse happened in the child's home or elsewhere. Within 72 hours after making the oral report, a written report must be filed with the department.

The report must contain the following information:

- name and age of the child and a description of the abuse or neglect
- names and addresses of child's parents or guardians, if available

Other information that should be given to assist in the investigation includes:

- anything that could be the cause of the abuse or neglect
- the manner in which the abuse or neglect occurred.

The written report should be mailed to the County Department of Social Services in which the child suspected of being abused or neglected is found.

The Act does provide for the confidentiality of the reporting person. The person's identity shall be disclosed only with her consent or by judicial process. The reporting person acting in good faith is also immune from civil or criminal liability. It is presumed that a reporting person is acting in good faith. Furthermore, if the reporting person is a member of the staff of an agency required to report suspected child abuse or neglect, she shall not be dismissed or otherwise punished for making the report.

Although not currently required by law, child care centers and day care homes should consider developing a written policy regarding the reporting of child abuse.

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A PARENT'S NIGHTMARE

*By Judy Levine, Supervisor
Division of Child Day Care Licensing*

I was numb. I couldn't believe it was happening. I had seen on television and read articles about sexual abuse of children in child care facilities but never thought it would happen to my child.

I was bathing Billy, my 3 year old son, and at the point where I was washing his genital area, he said that Michael sometimes touched his butt. I asked him when that happened and where. His nonchalant answer was "in the bathroom at preschool." A knot turned in my stomach. "How many times has he touched your butt?" "Was it one time or more?" I asked. "Oh, lots of times" said Billy. "We also have a secret that we're not supposed to tell."

But this time I was frantic. The only Michael I knew was Billy's teacher. The preschool prided itself on its male and female staff. I wasn't so sure.

I was frightened and I was furious. How could I have been so wrong? I had entrusted the care of my child to this preschool and now I found they were sexually assaulting him. My first reaction was to call Michael but I was afraid that in my anger I would say or do something that I shouldn't. I wanted the preschool investigated — if this was happening to my child, maybe it was happening to others.



I knew that the preschool was licensed by the Department of Social Services so I called the department. I was transferred several times but I finally got to the child care center licensing consultant. We made arrangements for him to come to my home and interview my child and me.

The licensing consultant seemed kind and concerned. He asked Billy some questions about preschool to break the ice and later on he let Billy use special dolls to show him what happened at preschool. When the interview was over, the licensing consultant told me he was going to the school to talk to the staff and possibly other children and parents to ascertain what was happening. While children of this age do not usually make up stories about sexual abuse, the consultant wanted to get the center's side of the story. He told me that it would take some time before the investigation was completed. He was glad that I had contacted him so that an investigation could be conducted. It is important that any doubt about a child care center be either cleared or wrongdoing substantiated.

What I finally learned was that Michael assisted some of the boys, particularly the youngest ones as they used the toilet. In doing so he did wipe their butts. This was the only times children's bottoms were touched. Other staff, parent volunteers, and children confirmed this.

Michael and the children did have a secret. It was getting close to Christmas and they were going to make special gifts for their family. He told the children not to tell anyone — that it was their secret. Again, this statement was corroborated with others. Based on the investigation, the conclusions were that, while Billy's statements were truthful, there was not an incident of sexual misconduct on the part of the teacher.

I felt relief that the findings determined my son was not assaulted. Had it gone differently, I would have had to decide whether or not to prosecute. I am glad that I took the necessary steps to know that my child and others are in a safe caring environment.

This fictitious account is based upon experiences of several licensing consultants in the field.

CHILD PROTECTION LAW . . .

(Continued from page 6)

Such a policy should include:

1. *The responsibility, moral and legal, of all staff to report the suspected abuse or neglect.*
2. *A description of some signs of abuse or neglect the staff can use as indicators.*
3. *The reporting procedure of the home or center to whom the report is made and who has the responsibility of reporting to the Department of Social Services.*
4. *The need for confidentiality.*
5. *The possibility that the home or center may have to testify.*

This policy can be a part of the staff handbook or the written policies and should be discussed with all staff when they are hired and with parents when children are enrolled.

The protection of children is the obligation of all who work with them. Child care centers and day care homes are often their first line of defense. Copies of Act 238 are available from your local Department of Social Services. Give one to each staff person tomorrow.

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